

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel.)	
State Engineer,)	No. 69 CV 07941 MV/KK
)	
Plaintiff,)	Rio Chama Adjudication
)	
v.)	Pueblo Claims Subproceeding 1
)	
ROMAN ARAGON, et al.,)	
)	
Defendants.)	
)	

JOINT STATUS REPORT

Pursuant to this Court's Order of June 29, 2017 (Document 11267), the undersigned Parties submit this Joint Status Report. The Parties are discussing possible resolution of all of Ohkay Owingeh's water rights claims to all sources of water. As a result, this Joint Status Report is being filed simultaneously in the companion case styled *State of New Mexico ex rel. State Engineer v. Abbott*, No. 68-cv-07488 (MV/JHR).

1. Settlement Negotiations

Since the last status report, the settlement discussions concerning Ohkay Owingeh's water rights claims have continued to progress. During this period, discussions with some of the settlement parties have focused on the following topics: 1) sources of water to include in a possible settlement agreement; 2) a groundwater model for use in settlement discussions and implementation of a settlement agreement; 3) water requirements for various proposed uses of water by Ohkay Owingeh; and 4) the characteristics of a final decree adjudicating Ohkay Owingeh's water rights.

Ohkay Owingeh had meetings with one or more of the negotiating Parties on the following dates:

June 14:	In-person meeting among lawyers for several settlement parties
June 20:	Telephonic meeting between counsel for Ohkay Owingeh and counsel for Santa Clara Pueblo
July 18:	In-person meeting with various settlement parties and counsel
July 18:	In-person meeting among counsel for several settlement parties
July 19:	In-person meeting between Ohkay Owingeh and Rio Chama Acequias Association
August 16:	In-person meeting between Ohkay Owingeh and Rio Chama Acequias Association
August 29:	Telephonic meeting between Ohkay Owingeh and various members of the Federal Assessment Team
September 7:	Telephonic meeting among technical consultants for various settlement parties
September 14:	In-person meeting among various settlement parties and counsel
September 14:	In-person meeting among counsel for several settlement parties

In addition, counsel for Ohkay Owingeh have met frequently with the Pueblo's leadership and staff to discuss the development of settlement proposals.

2. Scheduling Dispositive Motions

The resumption of litigation would hamper the negotiating Parties' efforts to resolve Ohkay Owingeh's water rights claims through negotiations. The undersigned Parties are committed to continuing the negotiation process. As a result, the undersigned Parties do not anticipate the need for the Court to schedule the filing and briefing of motions for summary judgment or other dispositive motions within the next four months.

3. Rescheduling the Trial

For the same reasons, the undersigned Parties do not believe that the trial should be scheduled at this time.

4. Other Matters

The undersigned Parties suggest that the Court require the filing of a joint status report four months from now, on February 9, 2018, at which time they will report to the Court on their progress and on the question of whether they believe the Court should schedule dispositive motions or otherwise resume litigation.

The City of Española did not respond the Ohkay Owingeh's request to consent to the filing of this Joint Status Report.

Dated: October 10, 2017

Respectfully submitted,

/s/ Curtis G. Berkey

Attorneys for Ohkay Owingeh
Berkey Williams LLP
Curtis G. Berkey
(CA State Bar No. 195485)
E-mail: cberkey@berkeywilliams.com
Scott W. Williams
(CA State Bar No. 097966)
E-mail: swilliams@berkeywilliams.com
2030 Addison Street, Suite 410
Berkeley, California 94704

Lee Bergen
Bergen Law Offices, LLC
4110 Wolcott Avenue NE, Suite A
Albuquerque, New Mexico 87109
leebergen@nativeamericanlawyers.com

Attorney for the United States

/s/ Bradley Bridgewater

Bradley Bridgewater
U.S. Department of Justice
South Terrace, Suite 370
999 18th Street
Denver, CO 80202
Bradley.S.Bridgewater@usdoj.gov

Attorneys for State of New Mexico

/s/ Arianne Singer

Arianne Singer
Kelly Brooks Smith
Special Assistant Attorneys General
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
arianne.singer@state.nm.us
kelly.smith@state.nm.us

Attorneys for City of Española

Jay Stein
Stein & Brockmann, PA
P.O. Box 2067
Santa Fe, NM 87504-2067
jfstein@newmexicowaterlaw.com

Attorney for Rio Chama Acéquia Association

/s/ Peter Thomas White

Peter Thomas White
Sena Plaza, Suite 50
125 East Palace Avenue
Santa Fe, NM 87501
pwhite9098@aol.com

Attorneys for El Rito Ditch Association and its acéquia members; Gallina-Capulin Acéquia Association and its acequia members; La Asociacion de las Acéquias del Rio Tusas, Vallecitos y Ojo Caliente and its acéquia members

/s/ Mary E. Humphrey

Mary E. Humphrey
Connie Odé
Humphrey & Odé, PC
P.O. Box 1574
El Prado, NM 87529
humphrey@newmex.com
code@newmex.com

Attorneys for Asociacion de Acéquias Norteñas de Rio Arriba

/s/ John W. Utton

John W. Utton
Utton & Kery, PA
P. O. Box 2386
Santa Fe, NM 87504-2386
john@uttonkery.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of October, 2017, I filed the foregoing electronically through the CM/ECF system, which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Curtis G. Berkey

Curtis G. Berkey